

REMARKS

In accordance with the foregoing, the specification and the drawings have been amended, claims 4, 8, 9, 12, and 13 have been canceled without prejudice or disclaimer, and new claims 14-36 have been added. Claims 1-3, 5-7, 10, 11, and 14-36 are pending, with claims 1, 14, 23, 25, 32, and 35 being independent. No new matter is presented in this Amendment.

Specification and Drawing Amendments

Paragraph [0020] has been amended to change "be" to "being."

Paragraph [0063] has been amended to change "draws" to "reads."

Paragraph [0073] has been amended to change "draws" to "retrieves," and to change "drawn" to "retrieved."

FIG. 6 has been amended to change "FILES TO BE PRELOAD" in operation 606 to "PRELOADED FILES."

FIG. 8 has been amended to change "DRAWS" in operation 801 to "READS."

FIG. 16 has been amended to change "THERTO" in the label on the line between operations 1603 and 1605 to "THERE TO," and to change "USE OF DESIGNATED MARKUP DOCUMENTS" in operation 1610 to "OF DESIGNATED MARKUP DOCUMENTS IN USE."

Claim Rejections Under 35 USC 112

Claims 1-13 have been rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement. The rejection of claims 4, 8, 9, 12, and 13 is moot since these claims have been canceled in this Amendment. The rejection of claims 1-3, 5-7, 10, and 11 is respectfully traversed.

Claim 1

The Examiner states as follows:

As amended, claim 1 specifies that the markup document does not include AV data. It is not clear where this limitation is supported in the specification. The specification does provide examples of data that are considered to be markup documents ([0073] of originally filed specification). These examples disclose that the markup documents can include AV data, but it is not seen where the specification supports a limitation preventing the markup documents from including AV data. Claims 2 – 13 inherit the deficiencies of claim 1.

FIG. 3 of the present application shows an AV decoder 4 that processes AV data stored in a first memory 2, and a presentation engine 5 that processes a markup document stored in a second memory 3.

FIG. 4 of the present application shows files VTS_01_0.VOB and VTS_01_1.VOB, which are examples of AV data, stored in a DVD video directory VIDEO_TS, and a file A.HTM, which is an example of a markup document, stored in a DVD interactive directory DVD_ENAV.

FIG. 5 of the present application shows a DVD-Video data region in which the file VTS_01_1.VOB, which is an example of AV data, is recorded, and a DVD-Interactive region in which the file A.HTM, which is an example of a markup document, is recorded.

FIG. 18 shows files VTS_01_0.VOB and VTS_01_1.VOB, which are examples of AV data, stored in a DVD video directory VIDEO_TS, and files A.HTM, B.HTM, C.HTM, and D.HTM, which are examples of a markup document, stored in a DVD interactive directory DVD_ENAV.

Page 25 of the specification shows a markup document WAR II B.HTM that does not include AV data.

Paragraph [0073] of the specification as originally filed referred to the Examiner reads as follows:

[0073] The content decoder 52 may comprise an interpretation engine which parses and interprets the markup documents, and a browser which draws the markup documents from the interpretation engine and/or the network. Here, the markup documents correspond to various kinds of markup resources, ranging from markup text data written in HTML, CSS, or JAVASCRIPT to binary data, such as image data, audio data, or a Java program, which is referred to by markup documents. The markup documents are drawn from the disk 100 or the network by the buffer manager 51 in the ENAV engine 50.

However, it is submitted that this paragraph does not disclose that "the markup documents can include AV data" as alleged by the Examiner, but discloses various kinds of markup resources, ranging from markup text data written in HTML, CSS, or JAVASCRIPT (which are examples of markup documents) to binary data, such as image data, audio data, or a Java program, which is referred to by markup documents. Thus, this paragraph actually discloses that a markup document can refer to binary data such as image data, audio data, or a Java program. This paragraph does not mention AV data.

For at least the foregoing reasons, it is submitted that the feature "wherein the markup document does not comprise the AV data or any other AV data" recited in claim 1 is in fact supported by the specification and the drawings as originally filed.

Conclusion—Claim Rejections Under 35 USC 112

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-3, 5-7, 10, and 11 (i.e., claim 1 discussed above and claims 2, 3, 5-7, 10, and 11 depending therefrom) under 35 USC 112, first paragraph, as failing to comply with the written description requirement be withdrawn.

Claim Rejections Under 35 USC 103

Rejection 1

Claims 1-3 and 5-13 have been rejected under 35 USC 103(a) as being unpatentable over Kanazawa et al. (Kanazawa) (U.S. Patent No. 6,580,870) cited by the Examiner in the Office Action of June 5, 2007, in view of Jones et al. (Jones) (U.S. Patent Application Publication No. 2003/00220984) newly cited by the Examiner in the Office Action of December 23, 2008. The rejection of claims 8, 9, 12, and 13 is moot since these claims have been canceled in this Amendment. The rejection of claims 1-3, 5-7, 10, and 11 is respectfully traversed.

The Examiner has relied on particular interpretations of Kanazawa and Jones in explaining the rejection. The applicants will respond to the rejection based on the Examiner's interpretations of Kanazawa and Jones. However, should the Examiner repeat the rejection based on different interpretations of Kanazawa and/or Jones in the next Office Action, it is

submitted that the Examiner cannot make the next Office Action final because the rejection based on the different interpretations of Kanazawa and/or Jones will in effect be a new ground of rejection that was not necessitated by the applicants' amendment of the claims since claims 1-3, 5-7, 10, and 11 that were considered in the Office Action of December 23, 2008, have not been amended in this Amendment.

Claim 1

Feature 1

It is submitted that Kanazawa and Jones as interpreted by the Examiner do not disclose or suggest "[a] computer-readable storage medium usable with an apparatus comprising a buffer, the computer-readable storage medium having recorded thereon: audio video (AV) data; a markup document to be preloaded into the buffer of the apparatus to enable the apparatus to reproduce the AV data in an interactive mode selected by a user of the apparatus, . . . and control information providing functionality to enable the apparatus to identify buffering state information of the markup document to be preloaded into the buffer of the apparatus" as recited in independent claim 1.

The Examiner considers Kanazawa to disclose a "computer-readable medium" as recited in claim 1, but the Examiner has not specifically identified which of Kanazawa's elements the Examiner considers to correspond to this "computer-readable medium." This places the applicants at a considerable disadvantage in responding to the rejection because it forces them to speculate about how the Examiner is interpreting Kanazawa. Also, this has the potential to prolong the prosecution of the application should the applicants respond to the rejection based on an interpretation of Kanazawa that is different from the interpretation relied on by the Examiner, thereby prejudicing the applicants. Accordingly, should the Examiner repeat this rejection in the next Office Action, it is respectfully requested that the Examiner specifically identify which of Kanazawa's elements the Examiner considers to correspond to the "computer-readable medium" in claim 1.

The Examiner has relied on column 20, lines 18-22, of Kanazawa, which reads as follows:

While in the embodiments, the case where HTML contents are acquired from an external server has been explained, a plurality of HTML contents may be stored in a DVD media beforehand and the contents be displayed, interlocking with the playback of the DVD video.

Assuming *arguendo* that this portion of Kanazawa discloses a "computer-readable medium having recorded thereon: audio video (AV) data; [and] a markup document" as recited in claim 1, it is submitted that nothing whatsoever in Kanazawa discloses or suggests that the DVD media referred to in this portion of Kanazawa also has recorded thereon "control information providing functionality to enable the apparatus to identify buffering state information of the markup document" as recited in claim 1. The Examiner admits that Kanazawa does not disclose such "control information," but considers such "control information" to be taught by paragraphs [0066] and [0068] of Jones. However, it is submitted that Jones does not disclose or suggest that this alleged "control information" is recorded on a "computer-readable medium having recorded thereon: audio video (AV) data; [and] a markup document" as recited in claim 1. Rather, it appears from paragraph [0110] of Jones that the alleged "control information" disclosed in paragraphs [0066] and [0068] of Jones is part of the programs 234 stored in the RAM 216 of the server 200 in FIG. 2 of Jones and/or part of the programs 334 stored in the RAM 310 of the client computer 300 in FIG. 3 of Jones. Although not relied on by the Examiner, paragraph [0114], lines 9-15, of Jones states as follows:

It will be appreciated that these components [apparently including the programs 334] may be stored on a computer-readable medium and loaded into memory of client computer 300 using a drive mechanism associated with the computer-readable medium, such as a floppy disk drive (not shown), optical drive 316, such as a CD-ROM/DVD-ROM drive, and/or hard disk drive 318.

However, it is submitted that nothing whatsoever in Kanazawa and Jones discloses or suggests that the alleged "control information" disclosed in paragraphs [0066] and [0068] of Jones is recorded or be recorded on a "computer-readable medium having recorded thereon: audio video (AV) data; [and] a markup document" as recited in claim 1 as would be necessary for the combination of Kanazawa and Jones proposed by the Examiner to arguably provide "[a] computer-readable storage medium usable with an apparatus comprising a buffer, the computer-readable storage medium having recorded thereon: audio video (AV) data; a markup document to be preloaded into the buffer of the apparatus to enable the apparatus to reproduce the AV

data in an interactive mode selected by a user of the apparatus, . . . and control information providing functionality to enable the apparatus to identify buffering state information of the markup document to be preloaded into the buffer of the apparatus" as recited in claim 1. In fact, the Examiner did not even propose that this be done in explaining the rejection. Furthermore, it is submitted that the only suggestion that this be done is contained in the applicants' disclosure, such that any allegation by the Examiner that it would be have obvious to do this would necessarily be an impermissible hindsight reconstruction of the invention arrived at by reading the applicants' disclosure.

Feature 2

It is submitted that Kanazawa and Jones as interpreted by the Examiner do not disclose or suggest "a markup document to be preloaded into the buffer of the apparatus" as recited in claim 1.

In explaining the rejection, the Examiner states as follows:

As to claim 1, Kanazawa teaches a computer-readable storage medium used with an apparatus comprising a buffer (abstract; col. 14 lines 40 – 54), the computer-readable storage medium having recorded thereon:

audio video (AV) data (abstract);

a markup document to be preloaded into the buffer of the apparatus to enable the apparatus to reproduce the AV data in an interactive mode selected by a user of the apparatus, wherein the markup document does not comprise the AV data or any other AV data (col. 15 lines 34 – 56; col. 17 lines 31 – 38; col. 20 lines 18 – 22).

The HTML file shown in FIG. 16 of Kanazawa that is obtained by the WWW browser 117 from the WWW server via the ISDN card or modem 100 is an example of the "HTML contents" referred to in column 15, lines 34-56; column 17, lines 31-38; and column 20, lines 18-22 of Kanazawa relied on by the Examiner. The Examiner apparently considers this HTML file to be a "markup document" as recited in claim 1. The buffer in column 14, lines 40-54, of Kanazawa referred to by the Examiner is the FIFO buffer that is part of the DVD decoder 112 shown in FIG. 17 of Kanazawa. However, as can be seen from FIG. 16 of Kanazawa, in which the DVD decoder 112 in FIG. 17 is identified as "MPEG-2 decoder," the HTML file that is obtained by the

WWW browser 117 from the WWW server via the ISDN card or modem 100 is not processed by the MPEG-2/DVD decoder 112, such that that this HTML file is not preloaded in the FIFO buffer of the MPEG-2/DVD decoder 112 as apparently alleged by the Examiner.

Accordingly, it is submitted that Kanazawa and Jones do not disclose or suggest "a markup document to be preloaded into the buffer of the apparatus" as recited in claim 1 under the Examiner's current interpretation of Kanazawa in which the Examiner considers the FIFO buffer of the MPEG-2/DVD decoder 112 in FIGS. 16 and 17 of Kanazawa to be a "buffer" as recited in claim 1.

Claim 3

It is submitted that Kanazawa and Jones as interpreted by the Examiner do not disclose or suggest the following feature of dependent claim 3:

wherein the control information comprises an [obj].isCached(URL, resType) API that generates a report signal, where the URL is a parameter indicating a file path of the markup document and the resType is a parameter indicating an attribute of the markup document.

The Examiner states as follows:

As to claim 3, Kanazawa and Jones (see rejections of claims 1 and 2) teaches the control information comprises an [obj].isCached(URL, resType) API that generates a report signal, where the URL is a parameter indicating a file path of the markup document and the resType is a parameter indicating an attribute of the markup document (Kanazawa: col. 15 lines 34 – 56; col. 17 line 64 – col. 18 line 23) (Jones: ¶66, 68).

However, it is not seen where column 15, lines 34-56, and column 17, line 64, through column 18, line 23, of Kanazawa and paragraphs [0066] and [0068] of Jones disclose or suggest a "resType [that] is a parameter indicating an attribute of the markup document" as recited in claim 3 as alleged by the Examiner. Furthermore, the Examiner has not explained why he considers these portions of Kanazawa and Jones to disclose or suggest this feature of claim 3, such that the Examiner has not established a *prima facie* case of obviousness with respect to claim 3.

Claim 10

It is submitted that Kanazawa and Jones do not disclose or suggest the following feature of dependent claim 10:

the interactive mode is a mode in which the AV data is displayed in a display window defined by the markup document.

The Examiner considers this feature of claim 10 to be disclosed in column 15, lines 32-45, of Kanazawa. However, it is not seen where this portion of Kanazawa discloses this feature of claim 10 as alleged by the Examiner, and the Examiner has not explained why he considers this portion of Kanazawa to disclose this feature of claim 10, such that the Examiner has not established a *prima facie* case of obviousness with respect to claim 10.

Column 15, lines 32-45, of Kanazawa relied on by the Examiner refers to FIGS. 19A and 19B of Kanazawa, which show a DVD window on the left side of the screen and a browser window on the right side of the screen. The DVD window displays a DVD video, and the browser window displays HTML contents related to the DVD video as shown in FIG. 19B when the user clicks on the Web link button displayed in the DVD window as shown in FIG. 19A. The Examiner apparently considers these HTML contents to be a "markup document" as recited in claim 10. However, it is submitted that nothing whatsoever in Kanazawa discloses or suggests that the DVD window in which the DVD video is displayed is defined by the HTML contents as would be necessary for Kanazawa to arguably disclose "a mode in which the AV data is displayed in a display window defined by the markup document" as recited in claim 10 as alleged by the Examiner.

Claim 11

It is submitted that Kanazawa and Jones do not disclose or suggest the following feature of dependent claim 11:

a startup markup document separate from the markup document to be preloaded into the buffer of the apparatus and comprising preloading instructions enabling the apparatus to preload the markup document into the buffer of the apparatus.

The Examiner considers this feature of claim 11 to be disclosed in column 11, lines 5-11; column 12, lines 43-48; and column 17, lines 31-38, of Kanazawa. The Examiner apparently

considers the HTML file recorded on the DVD medium in FIG. 16 of Kanazawa, which is used as an initial screen to explain, for example, the contents of the DVD video title as described in column 11, lines 8-11, of Kanazawa, to be a "startup markup document" as recited in claim 11.

Also, the Examiner apparently considers the HTML file that is obtained by the WWW browser 117 from the WWW server via the ISDN card or modem 100 as shown in FIG. 16 of Kanazawa and is displayed in the browser window as shown in FIG. 19B of Kanazawa when the user clicks on the Web link button displayed in the DVD window as shown in FIG. 19A of Kanazawa to be a "markup document" as recited in claim 11.

However, it is submitted that nothing whatsoever in Kanazawa discloses or suggests that the HTML file that is used as an initial screen (or "startup markup document") comprises preloading instructions enabling the apparatus in FIGS. 16 and 17 of Kanazawa to preload the HTML file that is obtained by the WWW browser 117 from the WWW server via the ISDN card or modem 100 (or "markup document") into a buffer of the apparatus as would be necessary for Kanazawa to arguably disclose "a startup markup document separate from the markup document to be preloaded into the buffer of the apparatus and comprising preloading instructions enabling the apparatus to preload the markup document into the buffer of the apparatus" as recited in claim 11 as alleged by the Examiner.

Conclusion—Rejection 1

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1-3, 5-7, 10, and 11 (i.e., claims 1, 3, 10, and 11 discussed above and claims 2 and 5-7 depending directly or indirectly from claim 1) under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones be withdrawn.

Rejection 2

Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over Kanazawa in view of Jones and Bernstein et al. (Bernstein) (U.S. Patent Application Publication No. 2004/0254913) newly cited by the Examiner in the Office Action of December 23, 2008. This rejection is moot since this claim has been canceled in this Amendment.

Patentability of New Claims 14-24

New claims 14-24 of the present application respectively correspond to claims 1-3, 6-8, 12, 13, 28, 23, and 24 of Application No. 10/686,521, which has the same inventors and assignee as the present application, as they appear in the Amendment of November 14, 2008, filed in Application No. 10/686,521, which is being examined by Examiner Nathan E. Price, the Examiner of the present application. It is submitted that new claims 14-24 of the present application are patentable for at least the same reasons that corresponding claims 1-3, 6-8, 12, 13, 28, 23, and 24 of Application No. 10/686,521 are patentable as discussed on pages 13-39 of the Amendment of November 14, 2008, filed in Application No. 10/686,521, and an indication to that effect is respectfully requested.

Request for Examination of New Claims 25-36

New claims 25-36 of the present application respectively correspond to original claims 1-4, 6-9, 11, 12, 14, and 15 of Application No. 10/685,697, which has the same inventors and assignee as the present application, and is assigned to Examiner Nathan E. Price, the Examiner of the present application. The status of Application No. 10/685,697 is "Docketed New Case - Ready for Examination." It is respectfully requested that new claims 25-36 of the present application be examined.

Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

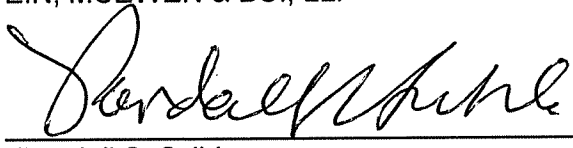
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this paper, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Attachments